



**The Dentist and Dental Hygienist Compact Commission  
Inaugural Meeting Packet  
August 28, 2024**



**National Center for  
Interstate Compacts**  
THE COUNCIL OF STATE GOVERNMENTS

Facilitated by The Council of State Governments



**Dentist and Dental Hygienist Compact Commission  
Inaugural Meeting Agenda  
August 28, 2024: 9am-4pm**

**Zoom: [https://csg-  
org.zoom.us/meeting/register/tZYpccmvvTljHtlSMWlQXBbh5t5su6PodFO](https://csg-org.zoom.us/meeting/register/tZYpccmvvTljHtlSMWlQXBbh5t5su6PodFO)**

[X](#)

- I. Welcome and Introductions of Interim Staff
- II. Call to Order:
  - Roll Call
  - Commission Delegate Introductions
  - Overview of Agenda
  - Adoption of Agenda
- III. Legislative Update/Legal Opinion on Legislative Deviations
- IV. Review and Discuss Transition Plan
- V. Review Commission Governance Structure
- VI. Discussion of Compact Commission By-Laws
- VII. Discussion of Rule on Rulemaking
- VIII. Discussion of Leadership Nominations

Lunch 12:00p



- IX. Discussion of Compact Data System
- X. Discussion of Commission Finances and Staff Hiring
- XI. Discussion of Clinical Assessment Definition and Future Rules for Consideration
- XII. Questions from Delegates/Public Comment from Non-Delegate Attendees
- XIII. Meeting Summary and Next Steps

Adjourn

## DDH Compact Legislative Update

### 2023 DDH Compact Legislative Enactments

<i>State</i>	<i>Bill Number</i>	<i>Date Enacted</i>
1. Iowa	HF 656	April 27, 2023
2. Washington	HB 1576	May 4, 2023
3. Tennessee	HB 942 / SB 361	May 17, 2023

### 2024 DDH Compact Legislative Enactments

4. Wisconsin	SB692	January 31, 2024
5. Virginia	SB 22	March 8, 2024
6. Kansas	HB 2453	April 12, 2024
7. Maine	LD 2137	April 22, 2024
8. Colorado	SB 010	May 17, 2024
9. Minnesota	SF2990	May 24, 2024
10. Ohio <sup>1</sup>	SB 40	July 24, 2024

### Compact Legislation Pending

<i>State</i>	<i>Bill Number</i>	<i>Status</i>
New Jersey	S702/A1896	Passed Assembly Health and Assembly Regulated Professions Committees. Awaiting full Assembly vote.
Pennsylvania	SB 895/HB 1586	Introduced and assigned to committees of jurisdiction. No public hearings.

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<sup>1</sup> Effective date for SB 40 is January 1, 2025. As such, Ohio cannot fully participate on the commission until the compact officially becomes law.



## **Commission Authorization for Approval of Compact Language**

### **Dentist and Dental Hygienist Compact Section 7-C-23**

*C. The Commission shall have the following powers:*

*23. Determine whether a State's enacted compact is materially different from the Model Compact language such that the State would not qualify for participation in the Compact;*

### **Dentist and Dental Hygienist Compact Section 11-A-1**

*1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the States that enacted the Compact prior to the Commission convening ("Charter Participating States") to determine if the statute enacted by each such Charter Participating State is materially different than the Model Compact.*

*a. A Charter Participating State whose enactment is found to be materially different from the Model Compact shall be entitled to the default process set forth in Section 10.*

*b. If any Participating State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Participating States should be less than seven (7).*



## **Proposed Transition Plan: Dentist and Dental Hygienist (DDH) Compact Operations**

### *Internal procedures and policies*

- Discuss and adopt by-laws
- Adopt Rule on Rulemaking
- Discuss future rules for consideration
- Discussion of committees' structure and function
- Election of DDH Compact Executive Board
- Discuss dates of first Executive Board and Rules Committee meetings
- Request for committee participants

### *Introductions and Commission Personnel*

- Introduce State Commissioners
- Governance and legislative review
- Discuss DDH Compact Commission finances
- Discuss RFP for secretariat services and timeline
- Role of CSG for DDH Compact Commission
- Role of CSG under the current contract in support of the American Dental Association and American Dental Hygienist Association
  - State level technical assistance
  - State legislative technical assistance
  - Legal services
  - Continued outreach on status of state enactments of the DDH Compact
  - Continued maintenance of DDH Compact website
  - Temporary secretariat services

*Subsequent meetings of the DDH Compact Commission and Executive Board will consider the following items for action:*

- Discuss additional rules and policies
- Develop MOU for financial support

# DDH Dentist and Dental Hygienist Compact

- Develop and approve budget
- Select secretariat for DDH Compact Commission
- Discuss DDH Compact Commission data system

# **DENTIST AND DENTAL HYGIENIST COMPACT**

## **BYLAWS**

### **ARTICLE I**

#### **Commission Purpose, Function and Bylaws**

##### **Section 1. Purpose.**

Pursuant to the terms of the Dentist and Dental Hygienist Compact, (the “Compact”), the Dental and Dental Hygienist Compact Commission (the “Commission”) is established to fulfill the objectives of the Compact, through a means of joint cooperative action among the Compacting States, namely, to facilitate the interstate practice of dentistry and dental hygiene and improve public access to dentistry and dental hygiene services by establishing a pathway for licensed Dentists and Dental Hygienists to obtain privileges to practice in other states participating in the Compact.

##### **Section 2. Functions.**

In pursuit of the fundamental objectives set forth in the Compact, the Commission shall, as necessary or required, exercise all of the powers and fulfill all of the duties delegated to it by the Compacting States. The Commission’s activities shall include, but are not limited to, the following: the promulgation of binding rules and operating procedures; equitable distribution of the costs, benefits and obligations of the Compact among the Compacting States; enforcement of Commission Rules, Operating Procedures and Bylaws; provision of dispute resolution; Coordination of training and education; and the collection and dissemination of information concerning the activities of the Compact, as provided by the Compact, or as determined by the Commission to be warranted by, and consistent with, the objectives and provisions of the Compact.

##### **Section 3. Bylaws.**

As required by the Compact, these Bylaws shall govern the management and operations of the Commission. As adopted and subsequently amended, these Bylaws shall remain at all times subject to, and limited by, the terms of the Compact.

### **ARTICLE II**

#### **Membership**

##### **Section 1. Purpose.**

The Commission Membership shall be comprised as provided by the Compact.



## **Section 2. Commissioners.**

Each Compacting State shall have and be limited to one Member. A Member shall be the Commissioner of the Compacting State. Each Compacting State shall forward the name of its Commissioner to the national office of the Commission, who will advise the Commission chairperson. The national office of the Commission shall promptly advise the appropriate appointing authority of the Compacting State of the need to appoint a new Commissioner upon the expiration of a designated term or the occurrence of mid-term vacancies. If a resignation of a Commissioner occurs or a change is made by the state appointing authority, it is the responsibility of the member state to inform the Commission of the vacancy or change.

## **ARTICLE III**

### **Officers**

#### **Section 1. Election and Succession.**

The officers of the Commission shall include a Chairperson, Vice Chairperson, Secretary, Treasurer and the Past Chair. The officers shall be duly appointed Commission Members. Officers shall be elected annually by the Commission at any meeting at which a quorum is present and shall serve for one year or until their successors are elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

#### **Section 2. Duties.**

The officers shall perform all duties of their respective offices as provided by the Compact and these Bylaws. Such duties shall include, but are not limited to, the following:

- a. *Chairperson.* The Chairperson shall call and preside at all meetings of the Commission, shall prepare agendas for such meetings, shall make appointments to all committees of the Commission and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.
- b. *Vice Chairperson.* The Vice Chairperson shall, in the absence or at the direction of the Chairperson, perform any or all of the duties of the Chairperson. In the event of a vacancy in the office of Chairperson, the Vice Chairperson shall serve as acting until a new Chairperson is elected by the Commission.
- c. *Secretary.* The Secretary shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.
- d. *Treasurer.* The Treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive

director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

- e. *Past Chair.* The Past Chair is the most recent previous Chair who is still serving as a Commission member and shall perform such duties as may be requested by the Commission.

### **Section 3. Costs and Expense Reimbursement.**

Subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by the officers in the performance of their duties and responsibilities as officers of the Commission.

## **ARTICLE IV**

### **Executive Board**

#### **Section 1. Powers, Duties, and Responsibilities.**

The Executive Board shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties and responsibilities of the Executive Board shall include:

- a. Overseeing the day-to-day activities of the administration of the Compact including compliance with the provisions of the Compact, the Commission's Rules and bylaws;
- b. Recommending to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Participating States, fees charged to Licensees and other fees;
- c. Ensuring Compact administration services are appropriately provided, including by contract;
- d. Preparing and recommending the budget;
- e. Maintaining financial records on behalf of the Commission;
- f. Monitoring Compact compliance of Participating States and providing compliance reports to the Commission;
- g. Establishing additional committees as necessary;
- h. Exercising the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending these Bylaws and exercising any other powers and duties expressly reserved to the Commission by Rule or these Bylaws.

## **Section 2. Composition of Executive Board**

The Executive Board shall be composed of seven (7) members:

- a. The Chair, Vice Chair, Secretary and Treasurer of the Commission and any other members of the Commission who serve on the Executive Board shall be voting members of the Executive Board; and
- b. Other than the Chair, Vice Chair, Secretary and Treasurer, the Commission shall elect three (3) voting members from the current membership of the Commission.

The Commission may remove any member of the executive board by an affirmative vote of a majority of the current membership of the Commission

## **Section 3. Executive Board Meetings.**

The Executive Board shall meet at least once each calendar year at a time and place to be determined by the Executive Board.

All meetings at which the Executive Board intends to take formal action on a matter shall be open to the public, except that the Executive Board may meet in a closed, non-public session of a public meeting when dealing with any of the matters for which the Commission is authorized to convene in a closed, non-public meeting under the Compact.

The Executive Board shall give five (5) business days' notice of its public meetings, posted on its website and as it may otherwise determine to provide notice to persons with an interest in the public matters the Executive Board intends to address at those meetings.

The Executive Board may hold an emergency meeting when acting for the Commission to:

- a. Meet an imminent threat to public health, safety or welfare;
- b. Prevent a loss of Commission of Participating State funds; or
- c. Protect public health and safety.

## **ARTICLE V**

### **Qualified Immunity, Defense and Indemnification**

#### **Section 1. Immunity.**

The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed

to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

## **Section 2. Defense.**

Subject to the provisions of the Compact and Rules promulgated thereunder, the Commission shall defend any member, officer, executive director, employee and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

## **Section 3. Indemnification.**

Notwithstanding Section 1 of this Article V, should any member, officer, executive director, employee or representative of the Commission be held liable for the amount of any settlement or judgment arising out of any actual or alleged act, error or omission that occurred within the scope of that individual's employment, duties or responsibilities for the Commission, or that the person to whom that individual is liable had a reasonable basis for believing occurred within the scope of the individual's employment, duties or responsibilities for the Commission, the Commission shall indemnify and hold harmless such individual, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of the individual.

# **ARTICLE VI**

## **Meetings of the Commission**

### **Section 1. Meetings and Notice.**

The Commission shall meet at least once each calendar year at a time and place to be determined by the Commission. Additional meetings may be scheduled at the discretion of the chairperson, and must be called upon the request of a majority of Commission Members, as provided by the Compact. All Commission Members shall be given written notice of Commission meetings at least thirty (30) days prior to their scheduled dates. Final agendas shall be provided to all Commission Members no later than ten (10) days prior to any meeting of the Commission. Thereafter, additional agenda items requiring Commission action may not be added to the final agenda, except by an affirmative vote of a majority of the Members. All Commission meetings shall be open to the public, except as set forth in Commission Rules or as otherwise provided by the Compact. Prior public notice shall be posted on the Commission's website at least thirty (30) days prior to the public meeting. A meeting may be closed to the public where the Commission determines by two-thirds (2/3rds) vote of its Members that there exists at least one of the conditions for closing a meeting, as provided by the Compact or Commission Rules.

## **Section 2. Quorum.**

Commission Members representing a majority of the Compacting States shall constitute a quorum for the transaction of business, except as otherwise required in these Bylaws. The participation of a Commission Member from a Compacting State in a meeting is sufficient to constitute the presence of that state for purposes of determining the existence of a quorum, provided the Member present is entitled to vote on behalf of the Compacting State represented. The presence of a quorum must be established before any vote of the Commission can be taken.

## **Section 3. Voting.**

Each Compacting State represented at any meeting of the Commission by its Member is entitled to one vote. A Member shall vote himself or herself and shall not delegate his or her vote to another Member. Members may participate in meetings by telephone or other means of telecommunication or electronic communication. Except as otherwise required by the Compact or these Bylaws, any question submitted to a vote of the Commission shall be determined by a simple majority.

## **Section 4. Procedure.**

Matters of parliamentary procedure not covered by these Bylaws shall be governed by Robert's Rules of Order.

## **ARTICLE VII**

### **Committees**

The Commission may establish such committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance, Rules, Compliance, Training, Communications and Outreach, and Leadership Nomination. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission.

## **ARTICLE VIII**

### **Finance**

#### **Section 1. Fiscal Year.**

The Commission's fiscal year shall begin on July 1 and end on June 30.

#### **Section 2. Budget.**

The Commission shall operate on an annual budget cycle and shall, in any given year, adopt budgets for the following fiscal year or years only after notice and comment as provided by the Compact.

#### **Section 3. Accounting and Audit.**

The Commission, through the Executive Board, shall keep accurate and timely accounts of its internal receipts and disbursements of the Commission funds, other than receivership assets. The

Commission's financial accounts and reports, including the Commission's system of internal controls and procedures, shall be audited annually by an independent certified or licensed public accountant. As required by the Compact, the report of such independent audit shall be included in and become part of the Commission's annual report to the Compacting States. The Commission's internal accounts, any workpapers related to any internal audit and any workpapers related the independent audit shall be confidential; provided, that such materials shall be made available: 1) in compliance with the order of any court of competent jurisdiction; ii) pursuant to such reasonable rules as the Commission shall promulgate; and iii) to any Commissioner of a Compacting State, or their duly authorized representatives.

#### **Section 4. Public Participation in Meetings.**

Upon prior written request to the Commission, any person who desires to present a statement on a matter that is on the agenda shall be afforded an opportunity to present an oral statement to the Commission at an open meeting. The chairperson may, depending on the circumstances, afford any person who desires to present a statement on a matter that is on the agenda an opportunity to be heard absent a prior written request to the Commission. The chairperson may limit the time and manner of any such statements at any open meeting.

#### **Section 5. Debt Limitations.**

The Commission shall monitor its own and its committees' affairs for compliance with all provisions of the Compact, its rules and these Bylaws governing the incursion of debt and the pledging of credit.

#### **Section 6. Travel Reimbursements.**

Subject to the availability of budgeted funds and unless otherwise provided by the Commission, Commission Members shall be reimbursed for any actual and necessary expenses incurred pursuant to their attendance at all duly convened meetings of the Commission or its committees as provided by the Compact.

### **ARTICLE IX**

#### **Withdrawal, Default, and Termination**

Compacting States may withdraw from the Compact only as provided by the Compact. The Commission may terminate a Compacting State as provided by the Compact.

### **ARTICLE X**

#### **Adoption and Amendment of Bylaws**

Any Bylaw may be adopted, amended or repealed by a majority vote of the Members, provided that written notice and the full text of the proposed action is provided to all Commission Members at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the required notice, a two-thirds (2/3rds) majority vote of the Members shall be required for such action.

## **ARTICLE XI**

### **Dissolution of the Compact**

The Compact shall dissolve effective upon the date of the withdrawal or the termination by default of a Compacting State which reduces Membership in the Compact to one Compacting State as provided by the Compact. Upon dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be concluded in an orderly manner and according to applicable law. Each Compacting State in good standing at the time of the Compact's dissolution shall receive a pro rata distribution of surplus funds based upon a ratio, the numerator of which shall be the amount of its last paid annual assessment, and the denominator of which shall be the sum of the last paid annual assessments of all Compacting States in good standing at the time of the Compact's dissolution. A Compacting State is in good standing if it has paid its assessments timely.

1 **Dentist and Dental Hygienist Compact Commission**

2

3 **Title of Rule:** Rule on Rulemaking

4 **Reason for Rule:** To further outline and clarify the rule promulgation process of the Dentist  
5 and Dental Hygienist Compact Commission.

6

7

8 **Chapter 1:** **Rulemaking**

9 **Authority:**

10 Section 7: Establishment and Operation of the Commission

11 Section 9: Rulemaking

12 Section 11: Effective Date, Withdrawal, and Amendment

13 **1.0 Purpose:** Pursuant to Section 9 of the Compact, the Dentist and Dental Hygienist  
14 Compact Commission shall promulgate reasonable and lawful uniform  
15 rules to facilitate and coordinate implementation and administration of the  
16 Dentist and Dental Hygienist Compact. This Rule will become effective  
17 upon passage by the Dentist and Dental Hygienist Compact Commission  
18 as provided in Section 9 of the Dentist and Dental Hygienist Compact.

19 **1.1 Definition(s):** (a) **“Commission”** means: the Dentist and Dental Hygienist Compact  
20 Commission, which is the joint administrative body whose membership  
21 consists of all Participating States.

22 (b) **“Commissioner”** means: the individual appointed by a Participating  
23 State to serve as the member of the Commission for that Participating  
24 State.

25 (c) **“Compact”** means the Dentist and Dental Hygienist Compact.

26 (d) **“Participating State”** means a state that has enacted the Compact and  
27 been admitted to the Commission in accordance with the Compact and the  
28 Commission Rules, and which has not withdrawn or been terminated from  
29 the Compact.

30 (d) **“Rule”** means: a regulation, principle or directive promulgated by the  
31 Commission pursuant to the criteria set forth in Section 9 of the Compact  
32 that has the force and effect of law in a Participating State and includes the  
33 amendment, repeal, or suspension of an existing Rule.



34 (e) “**Rules Committee**” means: a committee that is established as a  
35 standing committee to develop reasonable and lawful uniform rules for  
36 consideration by the Commission and subsequent implementation by the  
37 states and to review existing rules and recommend necessary changes to  
38 the Commission for consideration.

39 (f) “**Scope of Practice**” means the procedures, actions, and processes a  
40 Dentist or Dental Hygienist licensed in a State is permitted to undertake in  
41 that State and the circumstances under which the Licensee is permitted to  
42 undertake those procedures, actions and processes. Such procedures,  
43 actions and processes and the circumstances under which they may be  
44 undertaken may be established through means, including, but not limited  
45 to, statute, regulations, case law, and other processes available to the State  
46 Licensing Authority or other government agency.

47 (g) “**State**” means: any state, commonwealth, district, or territory of the  
48 United States of America.

49 **1.2 Proposed Rules or Amendments:** Rules shall be adopted by majority vote of the  
50 Participating States of the Commission pursuant to the criteria set forth in Section 9 of the  
51 Compact and in the following manner:

52 (a) New rules and amendments to existing rules proposed pursuant to Section 7 and  
53 Section 9 of the Compact and the Commission Bylaws shall be submitted to the  
54 Commission office for referral to the Rules Committee in any of the following ways:

55 (1) Any Commissioner may submit a proposed Rule for referral to the Rules  
56 Committee during the next scheduled Commission meeting.

57  
58 (2) Standing Committees of the Commission may propose Rules amendments by  
59 majority vote of that Committee.  
60

61 **1.3 Drafting of Proposed Rules:** The Rules Committee shall prepare a draft of all proposed  
62 rules and provide the draft to the Executive Committee to provide to all Commissioners for  
63 review and comments. Based on the comments made by the Commissioners, the Rules  
64 Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by  
65 the Commission not later than 30 days prior to the next Commission meeting.

66 **1.4 Notice of Proposed Rulemaking Prior to Public Hearing:** Prior to promulgation and  
67 adoption of a final Rule, the Commission shall hold a public hearing and allow persons to  
68 provide oral and written comments, data, facts, opinions, and arguments. At least 30 days prior to  
69 the public hearing, the Commission shall provide a Notice of Proposed Rulemaking:

- 70 1. On the website of the Commission or other publicly accessible platform; and  
71 2. To persons who have requested notice of the Commission’s notices of proposed rulemaking.

72 **1.5 Contents of Notice of Proposed Rulemaking:** The Notice of Proposed Rulemaking shall  
73 include:

74 (a) The time, date, and location of the public hearing at which the Commission will hear  
75 public comments on the proposed Rule and, if different, the time, date, and location of  
76 the meeting where the Commission will consider and vote on the proposed Rule;

77 (b) The mechanism for access to the hearing if the hearing is to be held via  
78 telecommunication, video conference, or other electronic means;

79 (c) The text of the proposed Rule and the reason for the proposed Rule.

80 (d) A request for comments on the proposed Rule from any interested person; and

81 (e) The manner in which interested persons may submit notice to the Commission of their  
82 intention to attend the public meeting and any written comments.

83 **1.6 Public Hearings:** All persons wishing to be heard at the public hearing shall notify the  
84 executive director of the Commission or other designated member in writing of their desire to  
85 appear and testify at the hearing not less than five (5) business days before the scheduled date of  
86 the hearing.

87 Hearings shall be conducted in a manner providing each person who wishes to comment a fair  
88 and reasonable opportunity to comment orally or in writing.

89 All hearings shall be recorded. A copy of the recording shall be made available upon request.

90 Nothing in this chapter shall be construed as requiring a separate hearing on each Rule. Rules  
91 may be grouped for the convenience of the Commission at hearings required by this chapter.

92 The Commission shall consider all written and oral comments received prior to taking final  
93 action on the proposed Rule.

94 **1.7 Final Adoption of Rule:** At a regular or special meeting of the Commission, which may be  
95 held at the same date and location as the public hearing, the Commission shall, by majority vote  
96 of all Commissioners, take final action on the proposed Rule based on the rulemaking record.

97 The Commission may adopt changes to the proposed Rule provided the changes do not enlarge  
98 the original purpose of the proposed Rule. The Commission shall provide an explanation of the  
99 reasons for substantive changes made to the proposed Rule as well as reasons for substantive  
100 changes not made that were recommended by commenters.

101 The Commission shall determine a reasonable effective date for the Rule. Except for an  
102 emergency as provided in Section 1.9, the effective date of the Rule shall be no sooner than  
103 thirty (30) days after the Commission issues the notice that it adopted the Rule.

104 **1.8 Status of Rules Upon Adoption of Compact By Additional Participating States;**

105 **Applicability:** Any state that joins the Compact subsequent to the Commission's initial adoption  
106 of the rules shall be subject to the rules as they exist on the date on which the Compact becomes  
107 law in that state. Any Rule that has been previously adopted by the Commission shall have the

108 full force and effect of law on the day the Compact becomes law in that state.

109 No Participating State's rulemaking requirements shall apply under this Compact.

110 The Rules of the Commission shall have the force of law in each Participating State, provided,  
111 however, that where the Rules of the Commission conflict with the laws of the Participating  
112 State which establish the Participating State's Scope of Practice as held by a court of competent  
113 jurisdiction, the rules of the Commission shall be ineffective in that State to the extent of the  
114 conflict.

115 If, within 4 years of the date of adoption of a Rule, a majority of the legislatures of the  
116 Participating States rejects the Rule by the enactment of statutes in the same manner such  
117 legislatures used to adopt the Compact, the Rule shall have no further force and effect in any  
118 Participating State.

119 **1.9 Emergency Rulemaking:** Upon determination that an emergency exists, the Commission  
120 may consider and adopt an emergency Rule with 24 hours' notice, with the opportunity to  
121 comment, provided that the usual rulemaking procedures provided in the Compact and in this  
122 section shall be retroactively applied to the rule as soon as reasonably possible, in no event later  
123 than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an  
124 emergency rule is one that must be adopted immediately in order to:

- 125 1. Meet an imminent threat to public health, safety, or welfare,
- 126 2. Prevent a loss of Commission or Participating State funds;
- 127 3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule;
- 128 4. Protect public health and safety.

129 **2.0 Non-Substantive Rule Revisions:** The Commission or an authorized committee of the  
130 Commission may direct revisions to a previously adopted Rule or amendment for purposes of  
131 correcting typographical errors, errors in format, errors in consistency, or grammatical errors.  
132 Public notice of any revisions shall be posted on the website of the Commission. The revision  
133 shall be subject to challenge by any person for a period of thirty (30) days after posting. The  
134 revision may be challenged only on grounds that the revision results in a material change to a  
135 Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of  
136 the notice period. If no challenge is made, the revision will take effect without further action. If  
137 the revision is challenged, the revision may not take effect without the approval of the  
138 Commission.

139

140

### **Elections Information: Positions and Duties**

The Commission will elect four officers and three members-at-large to serve on the Executive Board from among the current delegates to the Commission. All seven of those elected will be voting members of the Executive Board.

Below are descriptions the duties of the Executive Board and its officers as written in Compact bylaws.

The Commission's officers shall perform all duties of their respective offices as the Compact and these Bylaws provide. Their duties shall include, but are not limited to, the following:

**A. Chair:** The Chair shall call and preside at Commission and Executive Board meetings; prepare agendas for the meetings; act on Commission's behalf between Commission meetings.

**B. Vice Chair:** The Vice Chair shall perform the duties of the Chair in their absence or at the Chair's direction. In the event of a vacancy in the Chair's office, the Vice Chair shall serve until the Commission elects a new Chair.

**C. Treasurer:** The Treasurer, with the assistance of the Executive Director of the Compact, shall monitor the Commission's fiscal policies and procedures and serve as chair of the Finance Committee.

**D. Secretary:** The Secretary, with the assistance of the Executive Director of the Compact, shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and business of the Commission. The Commission may allow for the Executive Director to serve as Secretary of the Commission provided that the Executive Director will not be a member of the Commission.

**E. Members-at-large (3 positions open):** fulfill duties of the executive board as outlined below.

The Executive Board shall:

- a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member

# DDH Dentist and Dental Hygienist Compact

states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget in consultation with the Treasurer;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Perform other duties as provided in rules or bylaws and administer the affairs of the Commission in

a manner consistent with the Bylaws and purpose of the Commission.

## Overview of Compact Commission Finances

Compact	Annual Budget	Secretariat	Revenue Sources
Psychology	\$ 459,018.00	FSPPB	\$275,210 from compact privilege fees and state assessments. MOU with FSPPB
PT	\$ 243,515.00	FSPTB	\$376,396 in compact privilege revenue
Counseling	\$ 367,500.00	CAMS	Up to \$1.2 million available from ACA. \$150,00 from NBCC
OT	\$ 450,808.28	ASMI	\$300,000/year for 3 years from AOTA, NBCOT
Speech Pathology/Audiology	\$ 287,000.00	NCSB	\$228,000 over first 3 years from ASHA. \$330,000 over 3 years from AAA.
EMS	approx. \$140,000	NREMT	Grant from NREMT

# Dentist and Dental Hygienist Compact Commission Support

## Draft Request for Proposal for Secretariat

### Proposal Title and Purpose:

Dentist and Dental Hygienist Compact Commission Support

The purpose of this Request for Proposal (RFP) is to solicit a secretariat who will help commence, implement, and sustain the work of the Dentist and Dental Hygienist Compact Commission (Commission).

### Background/Entity Descriptions:

The American Dental Association (ADA) and American Dental Hygienists' Association (ADHA) are collaborating to create the [Dentist and Dental Hygienist Compact \(DDH Compact\)](#). Work on this endeavor began in of 2021, as The Council of State Governments (CSG) selected the ADA and ADHA to receive technical assistance with the development of a compact through funding from the Department of Defense (DoD). Since that time, ADA, ADHA, and CSG have worked closely with and state associations to introduce compact legislation.

The bill stipulates a minimum of 7 states must approve the legislation before the Dentist and Dental Hygienist Compact Commission can be assembled and begin its operations. Three states approved the bill in 2023 and in the 2024 state legislative session, an additional 7 states approved the legislation.

Now that the minimum state requirement has been met, the Dentist and Dental Hygienist Compact Commission is being formed with one state regulatory representative being appointed from each jurisdiction who has passed the legislation. The Dentist and Dental Hygienist Compact Commission, a joint governmental agency composed of an elected representative from each state that passed compact legislation, will hold its inaugural meeting August 28, 2024.

The secretariat awarded this contract will be responsible for working with the Dentist and Dental Hygienist Compact Commission, the commission's executive committee, and its executive director to develop all necessary commission infrastructure, secure a national licensure data system which includes licensure information and disciplinary actions, and implement management of all activities.

## **Proposal Request Schedule:**

The Dentist and Dental Hygienist Compact Commission seeks proposals from a secretariat to provide administrative and management services to help implement the Commission's responsibilities and strategic initiatives and handle day-to-day operations.

Deadline for proposal submission is xx/xx/xxxx



## Terms of Contract:

The Dentist and Dental Hygienist Compact Commission desires to enter into an agreement with the successful awardee for a period of three (3) years, with the option to renew in one-year increments for an additional three (3) years. **The anticipated commencement date is to be determined.**

## Project Goals:

Work with the Dentist and Dental Hygienist Compact Commission, its Executive Board and other Committees, and its Executive Director to:

- Provide all necessary management infrastructure including appropriate staffing, technology, and resources as needed
- Convene meetings with Dentist and Dental Hygienist Compact Commission as needed
- Prepare an annual budget
- Apply for grants
- Establish national policies and procedures
- Secure a national licensure data system (including disciplinary actions)
- Work with each state board of dentistry or state agency on the interface and implementation of the database
- Develop all initial reporting templates
- Develop all initial routine communication templates
- Prepare all initial public facing communications
- Process all practitioner requests for a compact to practice privilege
- Respond to all state boards of dentistry administrators requests to confirm disciplinary action information
- Prepare data and reports, as needed

Nothing herein shall inappropriately delegate Commission responsibilities to the secretariat. The Commission shall approve all actions taken by the secretariat as determined by the Commission.

## Scope of Work:

The scope of all expectations for assistance with the work outlined in this RFP must be completed as follows:

Convene meetings with Dentist and Dental Hygienist Compact Commission as needed	xx/xx/xxxx
Provide all necessary management infrastructure including appropriate staffing, technology, and resources as needed	xx/xx/xxxx
Secure a national licensure data system	xx/xx/xxxx
Work with each state board of dentistry or state agency on interface and implementation of the database	xx/xx/xxxx
Prepare annual budget	xx/xx/xxxx
Apply for grants	xx/xx/xxxx
Establish national policies and procedures	xx/xx/xxxx
Develop all initial reporting templates	xx/xx/xxxx
Develop all initial routine communication templates	xx/xx/xxxx
Prepare all initial public facing communications	xx/xx/xxxx
Prepare and implement a marketing strategy and messaging to state regulatory boards who may be interested in the compact legislation	Ongoing
Process all practitioner requests for a compact to practice privilege	Ongoing
Respond to all state board of dentistry administrators requests to confirm disciplinary action information	Ongoing
Prepare data and reports, as needed for the Dentist and Dental Hygienist Compact Commission	Ongoing

Dates are subject to change at the Compact Commission's discretion

## **Budget:**

The Dentist and Dental Hygienist Compact Commission's budget for calendar year xxxx will be approximately xxxxxx. These monies will cover development and operational expenses with the understanding funding for the disciplinary action database is yet to be determined and will be provided separately.

## **How Can Current Roadblocks and Barriers be Removed:**

### Risks

- Insufficient management resources
- Database inefficiency
- Database security
- Insufficient start-up funding

Support of the Dentist and Dental Hygienist Compact Commission and the necessary database is essential to ensure the success of the Dentist and Dental Hygienist Compact. Secretariats can mediate these risks by thoroughly indicating methods to address these issues. An established system and process with past successes will be considered.

## **Proposal Requirements**

### **A. Company Information**

1. Provide the company name, address, telephone number, website, and any social media handles.
2. Provide the name, title, and email address of the individual who will serve as the company's primary contact.
3. Describe the company's history, ownership and affiliations.
4. Describe the mission and philosophy that distinguishes the company from competitors.

5. List the company's complete scope of services.
6. Describe the size of your company in employees and revenue.

### **B. Clients & References**

7. Provide a list of the company's current clients in order of annual billings, length of time with the company, and the services provided.
8. Identify clients the company gained and lost during the last 12 months, describing why the company was selected or the relationship was severed.
9. List any current or past clients that are affiliated with ADA, ADHA and the dentistry or dental hygiene professions.
10. Provide a minimum of three client references, ideally with prior experience of similar scope and magnitude to the services requested within this RFP. Include name, organization, phone number, email address, a brief description of the work completed on behalf of each client, and samples.

### **C. Relevant Experience & Strategic Approach**

11. Provide a summary of the company's qualifications, experience, and competitive advantages in providing the services outlined in this RFP.

### **D. Project Management**

12. Describe the company's approach to client relationships.
13. Provide detailed implementation plan for a contract awarded as a result of this RFP.

### **E. Staff & Partners**

14. Provide a breakdown of the company's employees by function and location.
15. Provide a list of individuals who would service the Dentist and Dental Hygienist Compact Commission's project if awarded, including staff responsibilities, locations, and brief bios.

## F. Financial Proposal

16. Please bid your services for the *administration and management services* in one comprehensive amount with detailed costs for major components (such as the national licensure data system).
17. Describe the company's policy with regard to methods of compensation

### Submission Requirements of the Proposal:

All proposals must be sent to the Dentist and Dental Hygienist Compact Commission Chair by email no later than 11:59 PM Eastern on xx/xx/xxxx. Failure to adhere to the dates indicated below may result in bidder disqualification.

Request for Proposal released to vendors by Commission	xx/xx/xxxx
Intent to participate in RFP indicated by vendors	Xx/xx/xxx
Deadline for written questions or requests for clarification	xx/xx/xxxx
Response to questions and requests by Commission	xx/xx/xxxx
Deadline for proposal submission	xx/xx/xxxx
Evaluation of proposals by Commission	xx/xx/xxxx
*Commission vote to accept RFP and execution of contract by Commission	xx/xx/xxxx
*Awardee commencement of project	xx/xx/xxxx

\*Subject to change at the Compact Commission's discretion

## Evaluation Metrics and Criteria:

Once the secretariat has been selected, the following evaluation criteria will be used to assess the secretariat's performance:

Is the secretariat responding to requests/needs of the Dentist and Dental Hygienist Compact Commission and its Executive Director in a timely manner?
Has the secretariat provided appropriate assistance to the Dentist and Dental Hygienist Compact Commission and its Executive Director to complete national policy and procedural documents?
Has the Dentist and Dental Hygienist Compact disciplinary action database been secured by the secretariat?
Have the implementation timelines established in the contact been adhered to by the secretariat?
Is the secretariat proactive in working with the Dentist and Dental Hygienist Commission and its Executive Director in addition to problem solving solutions to challenges?
In conjunction with the Dentist and Dental Hygienist Compact Commission and its Executive Director, what kind of marketing initiatives has the secretariat implemented to further educate and work with other state boards of dentistry who may be interested in the compact legislative initiative?

## Contact Information:

All questions and requests for clarification should be directed to the Chair of the Dentist and Dental Hygienist Compact Commission, (Name of Chair)

Email: xxxx@xxxx

Phone: xxx-xxx-xxxx

**Dentist and Dental Hygienist (DDH)  
Compact Executive Director  
Draft RFP Job Description**

<u>Job Title</u>	<u>Group</u>	<u>Date Posted</u>
Director, DDH Compact Commission	DDH Compact Commission	
<b><u>Accountable to:</u></b> DDH COMPACT COMMISSION/Chair/Executive Board		<b><u>Authority</u></b> DDH COMPACT Section 7.C (11) Bylaws Article IV, Section 1
<b><u>Job Summary:</u></b> Serves as the lead staff executive for the DDH COMPACT COMMISSION, a joint government agency of member states. Directs the day-to-day operations of the organization, including but not limited to projects, relationships and staff. Works in concert with the Commission leadership, and its Executive Board to fulfil the intent and purpose of the DDH Compact.		
<u>Tasks</u>	<u>Principle Responsibilities</u>	<u>Frequency</u>
1	Manages the day-to day operations of the DDH COMPACT. Provides support to the Commission Chair, Delegates, Committee Chairs and Executive Committee in the execution of its responsibilities, under the Compact Bylaws. Works in consultation with Commission Chair to develop meeting agendas, materials, minutes, and reports. Provides executive level staff support and ensures effective planning, promotion, and execution of commission meetings.	20%
2	Conducts outreach and public relations related to the DDH COMPACT. Effectively manages external stakeholder relationships while representing the Commission. Serves as the DDH COMPACT training officer; provides training to member state boards of dentistry. Facilitates the orientation of new Commissioners. Develops and maintains a repository of informational, educational, and training materials regarding the DDH COMPACT. Provides external presentations and education and technical assistance for legislative enactments, as needed.	20%
3	Participates in the development and implementation of the DDH Commission strategic plan and objectives. Collaborates with the Executive Board in setting the overall strategic direction.	10%
4	In conjunction with the Commission and its committees, oversees and monitors regulatory compliance of member states with statute, bylaws, and rules.	15%
5	Responsible for supervising the staff and independent contractors of the Commission. Develops and submits to the Commission for consideration the administrative personnel policies governing the recruitment, hiring, management, compensation, and dismissal of Commission staff.	15%
6	In conjunction with the Treasurer and Executive Board, responsible for managing the annual operating budget and reserves, and monitoring the Commissions financial performance. Maintains records of the Commission. May serve as Secretary to the Commission; coordinates Executive Committee elections.	20%
<b><u>Job Specifications</u></b> (Education, Certification, Special Knowledge and Skills)		
Bachelor's degree required, Master's or JD preferred. Background in business, management, healthcare administration or related field. Five or more years of member-based association management/governance and committee management experience preferred.		
Knowledge of occupational licensure, administrative law and operations management preferred.		

Excellent oral and written communication, presentation, technical, organizational, customer service, problem solving, analytical and critical thinking, and problem-solving skills are required.

Ability to work independently to resolve member issues and collectively to establish a positive working rapport with members and stakeholders. Facilitates effective meetings with stakeholders. Domestic travel will be required.

Ability to build, maintain, communicate, and manage professional relationships with members, stakeholders, and public and governmental agencies, with an emphasis on political awareness, public perceptions, and DDH COMPACT initiatives and details.



## Future Rules for Consideration

### 1. Clinical Assessment

*“Clinical Assessment” means examination or process, required for licensure as a Dentist or Dental Hygienist as applicable, that provides evidence of clinical competence in dentistry or dental hygiene.*

### 2. Definitions:

- a. “Minor infraction”
- b. “Deactivate”
- c. “Disqualifying event”
- d. “Encumbered License” clarification re: NPDB reporting
- e. “Encumbrance”
- f. “Qualifying License”

### 3. Uniform Data Set Reporting Requirements

- a. Information to be reported by Member state
- b. Further clarification of “current, significant investigative information”
- c. Access to data system

### 4. Member State requirements/procedure for posting of Commission information and documents on Member State websites

### 5. Emergency Meetings Procedures

### 6. Administration issues (dues, fees, application processes)

### 7. Arbitration/Mediation procedure